

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

#### **Proposing rule making related to kinship caregiver program and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 156, "Payments for Foster Care," and Chapter 202, "Foster Care Placement and Services," Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code chapter 234 and section 217.6.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 234.

#### *Purpose and Summary*

This proposed rule making implements the Kinship Caregiver Program (Program), an effort to level the support provided to relatives and kin. The rule making implements a modest monthly payment using state funding only. The Department believes the Program could make the difference between a child remaining with the child's family versus suffering the trauma of being placed with a stranger in a shelter or family foster care.

The Program allows relatives to receive a \$300-a-month stipend for each child in their care, up to six months. A caregiver would be invited to participate in the foster care licensing process in the first two months the caregiver is caring for kin, and the caregiver would be able to receive the kinship caregiver payment for up to six months. Once licensed, the caregiver may also be eligible for supports such as child care, respite, training and caseworker support. Kinship caregivers are not required to become licensed to receive the stipend, though it will be encouraged so they would be eligible for the continued supports outlined above.

When relatives are approved for the Program, the children would be considered to be in foster care and the Department could draw down IV-E administrative costs while claiming for the average length of time it takes to license a foster family while the relatives are pursuing licensure.

#### *Fiscal Impact*

In June 2019, the rate of a child's initial placement with a relative was 44.7 percent; in June 2020 it was at 47.2 percent. The number of children in relative placements by month would be approximately 369 for month three, 417 for month four, 374 for month five, 406 for month six, 284 for month seven, and 290 for month eight. Since the payment does not begin until after two consecutive months of placement, month three would be the earliest month the payment is received and six months of payments would not be received until month eight. The estimates were derived based on the \$300 per month, per relative placements by month, which brought the total cost to \$2,132,700. The numbers of relative placements per month were derived on the relative placement percentage of 44.7 percent above.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.7(17A,217).

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 16, 2021. Comments should be directed to:

Nancy Freudenberg  
Iowa Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Kinship caregiver” in rule **441—156.1(234)**:  
“*Kinship caregiver*” means, for this chapter only, a person to whom a child is related by blood, marriage, or adoption, or a person who has a significant, committed, positive relationship with the child, who is caring for a child in foster care, pursuant to Iowa Code chapter 232.

ITEM 2. Adopt the following **new** rule 441—156.7(234):

#### **441—156.7(234) Kinship caregiver payment.**

**156.7(1)** A kinship caregiver payment is a monthly payment to financially support the care of a child in a kinship caregiver’s home. If approved by the department, kinship caregiver payment will be provided for a period of up to six months.

**156.7(2)** All of the following conditions apply:

- a.* For each eligible child living in a kinship placement, the monthly payment for the child shall be \$300.
- b.* The payment will begin after two consecutive months of the child’s placement in the kinship caregiver’s home. The two-month requirement is waived if the child enters the kinship caregiver’s home immediately following a paid placement for at least 30 days.
- c.* The payment will continue for up to six months.
- d.* The kinship caregiver payment will be terminated if the child no longer resides in the home.

e. Kinship caregivers who receive a foster care payment are not eligible to receive a kinship caregiver payment.

This rule is intended to implement Iowa Code section 232.102.

ITEM 3. Amend subrule 156.8(5) as follows:

**156.8(5) *Funeral expense.*** When a child under the guardianship of the department dies, the department will pay funeral expenses not covered by the child's resources, insurance or other death benefits, the child's legal parents, or the child's county of legal settlement, not to exceed \$650.

~~The total cost of the funeral and the goods and services included in the total cost shall be the same as defined in rule 441—56.3(239,249).~~

The claim shall be submitted by the funeral director to the department on Form GAX, General Accounting Expenditure, and shall be approved by the service area manager. Claims shall be submitted within 90 days after the child's death.

ITEM 4. Adopt the following new definition of "Kinship caregiver" in rule ~~441—202.1(234)~~:

*"Kinship caregiver"* means, for this chapter only, a person to whom a child is related by blood, marriage, or adoption, or a person who has a significant, committed, positive relationship with the child, who is caring for a child in foster care, under court ordered supervision pursuant to Iowa Code chapter 232.

ITEM 5. Amend paragraph ~~202.4(3)~~"a" as follows:

a. If a relative or a suitable person who has a kinship bond with the child will accept placement of the child:

- (1) The person shall sign Form 595-1489, Non-Law Enforcement Record Check Request, ~~and~~.
- (2) The department shall complete record checks as listed in 441—subrule 113.13(1) to evaluate if the person's home is appropriate for the child before making the placement.
- (3) The department worker shall make a referral to the recruitment and retention provider to initiate an informational contact with the kinship caregiver. The recruitment and retention provider will inform the kinship caregiver about the monthly kinship caregiver payment as outlined in rule 441—156.6(234) and explain the process of becoming a licensed foster parent.